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C O N F I D E N T I A L SECTION 01 OF 04 TASHKENT 000500

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SUBJECT: JEHOVAH'S WITNESS SENTENCED TO FOUR YEARS'
IMPRISONMENT IN SAMARKAND

Classified By: POLOFF R. FITZMAURICE FOR REASONS 1.4 (B, D)

¶1. (C) Summary: On April 25, the Samarkand City Criminal Court sentenced Jehovah's Witnesses congregant Olim Turayev to four years' imprisonment on charges of illegally teaching religion and organizing a religious organization. Poloff was able to observe the trial. The Jehovah's Witnesses plan to appeal Turayev's conviction in the next few weeks. Turayev's lawyer reported that his client's conviction was largely based on the coerced written testimony of three minors, one of whom was reportedly beaten. In addition, a local representative of the Jehovah's Witnesses reported that Samarkand congregant Irfan Hamidov, who was sentenced last year to two years' imprisonment for teaching religion illegally, was transferred several months ago from a light-security "open" labor camp to a harsher prison. In a letter to poloff, the Jehovah's Witness AmCit General Counsel also reported what he saw as a growing pattern of harassment against Jehovah's Witnesses in Uzbekistan, detailing several incidents in which Jehovah's Witnesses were detained and fined over the past months. We believe that Turayev's conviction and relatively harsh sentence represent a blow for religious freedom in Uzbekistan, and we plan to raise his case in our discussions with government officials in Tashkent. End summary.

JEHOVAH'S WITNESS GIVEN FOUR YEAR SENTENCE

¶2. (C) On April 25, Jehovah's Witnesses local representative Sergei Artyushkov reported that the Samarkand City Criminal Court sentenced Jehovah's Witnesses congregant Olim Turayev to four years' imprisonment on charges of illegally teaching religion (criminal code article 229) and illegally organizing a religious organization (criminal code article 216). Immediately after the verdict was read, Turayev was taken into custody. Artyushkov was surprised by the harsh verdict, as the judge earlier in the week reportedly told Turayev's lawyer in private that his client would not be imprisoned.

JEHOVAH'S WITNESSES PLAN TO APPEAL VERDICT

13. (C) Artyushkov, who observed the entire five-day trial, told poloff that the Jehovah's Witnesses planned to appeal Turayev's conviction at the Samarkand Provincial Criminal Court in the next few weeks. Turayev's lawyer told poloff that he was usually more successful in winning appeals for his clients at provincial level courts than cases in lower level courts. He observed that cases at city courts were rarely taken seriously by prosecutors or defense lawyers and almost always resulted in convictions. On the other hand, the lawyer believed that judges at the provincial level were slightly more powerful and somewhat less susceptible to external pressures than lower level judges.

CONVICTION BASED ON COERCED TESTIMONY OF MINORS

14. (C) Turayev's lawyer reported to poloff that his client's conviction was largely based on the coerced written testimony of three minors. Two female minor congregants signed written confessions that Turayev taught them religion after police officers threatened them, while a male minor congregant signed similar testimony after police reportedly beat him in the head. According to Turayev's lawyer, the three minors all disavowed their written testimony in open court, noting that it had been made under duress. Several other Jehovah's Witness congregants served as witnesses in the trial. According to Turayev's lawyer, they all reported that Turayev had not taught them religion or shared with them religious literature, but had visited their homes in his capacity as a doctor.

MINOR ARRESTED WITH TURAYEV REPORTEDLY SEXUALLY MOLESTED BY
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DRUNK POLICE OFFICER

15. (C) Police originally detained Turayev at his home along with 11 other Jehovah's Witnesses on February 7. Among those detained in the raid included a minor female congregant who was allegedly sexually molested by a drunk police officer, as well as the three other minors who were forced to sign written testimony against Turayev. On February 17, police searched the homes of twenty other Jehovah's Witnesses in Samarkand, including individuals who were not present at Turayev's home, detaining several of them. In total, six congregants from Samarkand were convicted and fined for violating the administrative code. Artyushkov theorized that Turayev alone faced criminal charges because he had been earlier convicted on administrative charges.

MAHALLA CHAIRMAN TESTIFIES IN FAVOR, AND AGAINST, TURAYEV

16. (C) Turayev's lawyer also reported that another witness at the trial was the Mahalla (neighborhood committee) chairman of Turayev's neighborhood, who sent a letter to the police shortly before their raid complaining of "suspicious gatherings" at Turayev's house. On one hand, the Mahalla chairman reportedly testified that he knew Turayev well and that he was a "good boy," but at the same time, he also testified that Jehovah's Witnesses were "dangerous," and that it was his job to prevent dangerous individuals from congregating.

POLOFF ALLOWED TO MONITOR TURAYEV TRIAL

17. (C) Poloff was allowed to monitor the third day of Turayev's trial on April 23. The judge at the trial, Azimov, was the same one who had previously prevented poloff and his predecessor from attending the trial and appeal last year of two Jehovah's Witnesses from Samarkand who were convicted of teaching religion illegally (one of whom, Irfan Hamidov, remains imprisoned). During the proceedings, Turayev's lawyer requested that the case against his client be

dismissed as the Religious Affairs Committee in Tashkent had failed to explain how Turayev's possession of literature legally imported into Uzbekistan by the Jehovah's Witnesses Chirchiq congregation was illegal. The judge dismissed the motion, simply noting that the possession of such literature was illegal in Samarkand, regardless of its status in Chirchiq. After a Jehovah's Witnesses testified in favor of Turayev, the judge berated her for reading the Bible instead of the Koran. Both the judge and the prosecutor also criticized Turayev for not reading the Koran, which they argued was a "national duty."

18. (C) The contrast in behavior between Turayev's lawyer and the prosecutor was also enlightening. While Turayev's lawyer was clearly well-prepared and made carefully constructed legal arguments in favor of his client, the prosecutor wandered in and out of the courtroom during the proceedings, and asked few questions of the witness. According to Turayev's lawyer, the prosecutor was only informed about the case by the judge shortly before it began on April 22, which he said was not unusual in Uzbekistan.

HAMIDOV TRANSFERRED TO HARSHER PRISON

19. (C) Artyushkov informed poloff that Jehovah's Witness congregant Irfan Hamidov, who was sentenced last year to two years' imprisonment for teaching religion illegally, was transferred several months ago from a light-security "open" labor camp outside of Samarkand to a harsher prison in Tashkent for reportedly violating internal prison regulations. According to Hamidov's sister, her brother has been recently transferred again to another prison in Navoi

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province. (Comment: Prison officials often contrive for political prisoners like Hamidov to violate internal regulations so that they become ineligible for the annual amnesty. The last amnesty in November 2007 specifically delineated foreigners as a category of prisoners to be amnestied, and Hamidov is a citizen of Tajikistan. Pastor David Shestakov, another Christian who was sentenced to four years' imprisonment in 2007 for allegedly teaching religion illegally, was also transferred from an open labor camp to a harsher prison. It is possible that authorities transferred both Hamidov and Shestakov as a means of denying them amnesty. End comment).

110. (C) According to Artyushkov, the Jehovah's Witnesses contested Hamidov's transfer to the Tashkent prison at the Samarkand City Court, which reportedly agreed that the transfer was illegal and ordered that Turayev be returned to Samarkand. The court's ruling has not been enforced.

JEHOVAH'S WITNESSES SEE ESCALATING HARRASSMENT

111. (C) In a letter to poloff, the Jehovah's Witness AmCit General Counsel reported what he saw as a growing pattern of court cases against Jehovah's Witnesses in Uzbekistan for purely religious activity. In two separate incidents in February, a total of 32 Jehovah's Witnesses were arrested in private apartments in Tashkent. Two individuals were convicted and fined for violating regulations on teaching religious beliefs. Another three individuals were initially convicted and fined for participating in the activities of a religious organization, but their conviction was overturned during appeal. Also in February, 19 Jehovah's Witnesses were arrested during a congregation meeting in Jizzakh, and 14 of them were fined. Two of the individuals were held in custody by police for five days, while another was held for three days. In March, two Jehovah's Witnesses were detained in the Ferghana Valley town of Margilan, and one of them was convicted of possessing illegal literature and fined. Authorities in Margilan also reportedly raided another congregation meeting and

seized religious literature.

OTHER CHRISTIAN GROUPS ALSO HARRASSED

12. (C) The apparent up tick in harassment of Christian groups in Uzbekistan during the past few months does not appear to be isolated to Jehovah's Witnesses. On April 21, the Associated Press reported that the Ministry of Justice revoked the accreditation of an evangelical church in Samarkand run by South Koreans for allegedly conducting unauthorized missionary work. Forum 18 reported that police raided a charismatic Christian meeting in Samarkand on April 10, beating some of its members and detaining one of them. Forum 18 also reported that in March, authorities fined a Baptist in Ferghana after raiding a Sunday morning worship at his house. The raid on the Baptist meeting was later shown on a regional television channel, which Church members believed was aimed at stirring up public resentment against them. (Note: The Lubavitch Jewish Rabbi in Tashkent, and the Joint Distribution Center, have also encountered accreditation issues in recent weeks. End note.)

COMMENT

13. (C) Turayev's conviction and harsh four-year sentence, the longest yet for a Jehovah's Witness in Uzbekistan, is another setback for religious freedom in the country. This could be a new provincial Hokim (governor) flexing his muscles, a reaction to the presence of a U.S. Embassy observer at the trial, or a signal to Jehovah's Witnesses writ large that the government is cracking down. Especially

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distressing is that Turayev's conviction appears largely to be based on the coerced testimony of three minors, one of whom was reportedly beaten. We will raise our concern in our discussions with government officials in Tashkent, and understand that our delegation at the Organization for Security and Cooperation in Europe (OSCE) also discussed Turayev's case during a private meeting with the Uzbek Charge to the OSCE on April 28.

14. (C) While we have lately seen some improvement on other human rights issues in Uzbekistan, the government has made little, if any, progress on religious freedom over the past year. If anything, the religious freedom situation in Uzbekistan has deteriorated over the past few months. We continue to hope that a long-planned visit by Ambassador-at-Large for Religious Freedom John Hanford and the delivery of a long-promised letter to the Uzbeks on steps they could take to improve religious freedom may help reverse this negative trend.

NORLAND